

IN THE UNITED STATES
FIRST DISTRICT COURT,
Cleveland, OH. 1:22 CV 1363

Civil COVER Sheet
Out of Rule: Civil HABEAS CORPUS

* * FILED *

* JUDGE FLEMING

Now Comes

AUG 02 2022

MAG. JUDGE BAUGHMAN

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

Richard P. BOOWE
Plaintiff:

- VS -

State of OH: Defendant
Lorain County Jail; Et al

MARCH 4, 2022.

* * * * *

Facts:

1. Now Comes, Richard P. BOOWE, ~~pro~~
se, hereinafter, Plaintiff, and
Respectfully moves this Honorable
Court, to issue a Civil
Writ of HABEAS CORPUS, For
-1-
cont. p. 2

P. 2

Civil Violations in Violation of his Constitutional Rights Under the United States Constitution, and the Constitution of the State of Ohio.

F.2 Plaintiff Respectfully Moves this Court to File Out of Rule, whereas, Defendant, has declined to allow access to Proper Forums Required by this Tribunal.

F.3 Plaintiff is presently incarcerated at Lorain County Jail, Elyria, OH. 44035.

F.4 Plaintiff is being held on a Felony Child Support Conviction that is unlawful and in Direct Conflict with the Ohio Supreme Court Ruling in *State of Ohio vs. Pitman*, wherein, that Court Ruled that ARREARAGE ORDERS Only are not Felonies According to Statute.

- P. 2 -

cont. p. 3

p. 3

F.5 The Case in Question HERE is Case No: 15CR091434, wherein, the Child in this case is, Cassidy Dotson, born 3,28,1999. to whom has not been a Resident of the State of Ohio, since, 6-1-2012. She was receiving support from Plaintiff in the State of Florida.

F.6. Plaintiff was extradited to Horton County Jail in 2018 from his home in Maxmet, W. Va. For, an alleged Probation in above mentioned case.

F.7. In 2015, under the advice of Court appointed counsel, Plaintiff entered a plea of Guilty to the Non-support. Counsel to Plaintiff that he had to take the deal at that time before the law changed and he could face a lot of Time.

cont. p. 4 →

p. 4.

F.8. Upon Return to Jail in 2018 the Court Appointed Erica Downs, to Represent Plaintiff.

F.9. Plaintiff asked Ms. Downs to withdraw his guilty plea For ineffective assistance of Council; whereas, Plaintiff, found upon his return that the Ohio Supreme Court in; State of Ohio vs - Pithman ruled that an Arraignment Order by statute is not a felony. there must be an active support Order.

F.10. Erica Downs stated in open court that she would file the writ of Guilty Plea, on the first occasion that Judge Wether sentenced Plaintiff to jail time, but Erica Downs NEVER Followed through.

5

F.11 Erin Downs also Filled out Paperwork From Plaintiff and the child's mother, wherein, Amy Dotson, Cassidy's mother filed a motion for all forgiveness of and money owed. Erin Downs never requested a hearing on the motion.

F.12 Erin Downs Failed to execute her duties, but Plaintiff, brought her failures up in open court; nothing was heard by the court, all fell on deaf ears and the Court sentenced Plaintiff To County Jail time.

Plaintiff;
F.13 My family has contacted this Honorable Court, and was told that Forms would be mailed out to the jail. Plaintiff has not Received them.

p. 6.

Plaintiff swears that all the foregoing is true and correct to the best of his knowledge and secrets so under threat of Penalties of Perjury.

Plaintiff; Now Prays this Honorable Court will allow him to proceed out of Rulo and Grant the Great Writ of Habeas Corpus; also, that, Counsel will be appointed; whereas, Plaintiff is indignant at this time; And he so prays.

Plaintiff - Richard P. Boone
Horsia Co. file
9896 Murrey Ridge Rd.
Egypt, OH.
44035

p. 6.